

REMARKS

The present application was filed on August 7, 2001 with claims 1-49. Claims 1, 3-5, 7, 12-15, 19, 22, 25, 27-29, 31, 36-39, 43, 46 and 49 have been amended, and claims 2 and 26 have been canceled without prejudice. Claims 1, 25, and 49 are the pending independent claims.

In the outstanding Office Action, dated September 8, 2006, Examiner rejected claims 1-49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,681,060 to Acharya et al. (hereinafter "Archarya"). In response to this rejection, independent claims 1, 25, and 49 have been amended to recite that a scoring function is constructed from a plurality of positive and negative example sets, and that the multidimensional indexing structure is capable of supporting similarity queries. Applicants respectfully assert that Acharya fails to teach, suggest or render obvious the recited claims.

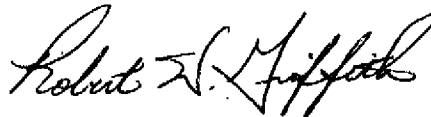
Independent claim 1 recites a computer-based method of retrieving one or more items from at least one database in response to a query specified by a user via a plurality of positive and negative example sets. The method comprises the steps of constructing a scoring function from the plurality of positive and negative example sets, wherein the scoring function is operable for use with a multidimensional indexing structure capable of supporting similarity queries and associated with the at least one database; and retrieving, via the multidimensional indexing structure, the one or more database items that have the highest score as computed using the scoring function. Independent claims 25 and 49 recite additional aspects of the invention having similar limitations.

Acharya teaches a method of image comparison and retrieval using distance measurements obtained from the Mahalanobis distance equation. Acharya's applicability is specific to images, while the independent claims of the present invention relate directly to user specified database queries. More specifically, claim 1 recites a scoring function that is operable for use with a multidimensional indexing structure capable of supporting similarity queries and associated with at least one database. While the Examiner concedes that Acharya does not teach a scoring function is operable for use with a multidimensional indexing structure associated with the at least one database, Applicants further assert that Acharya fails to disclose both a scoring function and a multidimensional indexing structure comparable to that recited in the independent claims

Examiner further argues that Acharya teaches the construction of a scoring function using positive example sets and negative example sets. Applicants respectfully disagree. Acharya fails to teach, suggest or render obvious such a scoring function, positive example sets, or negative example sets. The Examiner relies on an inverse of the variance-covariance matrix, however it is not clear how the inverse function of a matrix is relevant to the claims of the present invention. A person having ordinary skill in the art would be unable to derive the techniques for database querying presented in the independent claims using Acharya.

In view of the above, Applicants believe that independent claims 1, 25, and 49 are in condition for allowance. Further, dependent claims 3-24 and 27-48 are patentable at least by virtue of their dependency on independent claims 1, and 25 and also recite patentable subject matter in their own right. Dependent claims 3-5, 7, 12-15, 19, 22, 27-29, 31, 36-39, 43 and 46 have been amended to maintain consistency with the independent claims. Dependent claims 2 and 26 have been canceled without prejudice. Accordingly, withdrawal of the §103(a) rejection of claims 1, 3-25 and 27-49 is respectfully requested.

Respectfully submitted,



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